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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,177	10/22/2001	Steven D. White	3060	7316

7590 07/22/2005

Law Office of Albert S. Michalik PLLCq
704-228th Avenue NE
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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,177

Applicant(s)

WHITE ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/24/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in regards to the Amendment and Reply received on 13 May 2005.

Claim Rejections - 35 USC § 101

2. Claims 23 and 24 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 9, lines 13-21, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments and intangible embodiments (e.g., carrier wave). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1-24 recites the limitation "the second service having at least one user maintaining data therein about **the at least one first user**". There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret this limitation to mean "the second service having at least one user maintaining data therein about **the at least one user**".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. (Ferguson), U.S. Patent No. 5,819,092 in view of Helgeson et al. (Helgeson), U.S. Patent No. 6,643,652 and in further view of Reed et al., (Reed), U.S. Patent No. 6,088,717.

8. Regarding **independent claim 1**, Ferguson discloses the invention substantially as claimed. Ferguson discloses *in a computer network, a system comprising: a first service for providing access to data based on an associated identity of each user* (Ferguson teaches controlling access to information by utilizing passwords encryption and assigning specific access rights to specific users), [see Ferguson, Col. 11, lines 10-26 and Col. 12, lines 23-27]; *a second service for providing access to data based on an associated identity of each user* (Ferguson teaches having multiple online services having the capability to communicate between each other utilizing a service-to-service protocol as well as further teaching the controlling access to information by utilizing passwords encryption and assigning specific access rights to specific users), [see Ferguson, Col. 11, lines 10-26 and Col. 12, lines 23-27]; *and a communications mechanism configured to exchange information between the first service and the second server* (Ferguson teaches that the script language provides service-to-service communication primitives that allow one online service to act on behalf of the user to query or updated another online service, automatically update another online service without user initiation, pass along automatic user registration to another online services as well as opening up a virtual connection to target services, utilizing service-to-service protocol [see Ferguson, Col. 11, lines 10-26, Col. 28, lines 53-67], *the first service configured as a publisher of change data made by user via the first*

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service, and the second service configured as a subscriber of the change data, and operable to communicate the change data of the first service to the second service using a service-to-service protocol (Ferguson teaches pass along user registration data to another online service. Ferguson further teaches that the user has access to an options view of a lookup designer, which indicates whether users can submit new entries to a subservice for other users to view), [see Ferguson, Col. 11, lines 10-26, Col. 24, lines 55-67 and Col. 25, lines 1-5, Col. 28, lines 53-67]. However, does not disclose determining a role of each subscribing user and filter the data based on each determined role.

9. In the same field of endeavor, Helgeson discloses (e.g., managing data exchange among systems in a network). Helgeson discloses *operable to determine that at least one user of the second service has a role that is a subscriber role of change data in relation to at least one user of the first service* [see Helgeson, Col. 23, lines 43-49, Col. 89, lines 65-69, Col. 90, lines 1-15, Col. 113, lines 23-25].

10. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Helgeson's teachings of managing data exchange among systems in a network with the teachings of Ferguson, for the purpose providing for reliable monitoring of changes to data in external systems [see Helgeson, Col. 2, lines 35-49]. However, Ferguson-Helgeson does not explicitly disclose the first service having at least one user maintaining data therein and the second service having at least one user maintaining data therein about the at least one first user.

11. In the same field of endeavor, Reed discloses (e.g., computer based communication system and method using metadata defining a control structure). Reed discloses the first service

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having at least one user maintaining data therein and the second service having at least one user maintaining data therein about the at least one first user [see Reed, Figure 1].

12. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Reed's teachings of a computer based communication system and method using metadata defining a control structure with the teachings of Ferguson-Helgeson, for the purpose of providing a communications control system which allows providers and consumers to quickly and easily establish an automated communications relationship; which automatically updates both parties with changes in communications control data from the other; which works [see Reed, Col. 7, lines 59-67 and Col. 8, lines 1-4]. By this rationale **independent claim 1** is rejected.

13. Regarding **claim 2**, Ferguson-Helgeson and Reed further discloses *wherein the communicating of the change information comprises a batch of similar change information from the first service to the second service* [see Ferguson, Col. 24, lines 59-64, Col. 28, lines 14-67 and Col. 29, lines 1-14 and Helgeson, Col. 6, lines 53-55]. By this rationale **claim 2** is rejected.

14. Regarding **claim 3**, Ferguson-Helgeson and Reed further discloses *wherein the information exchange comprises an asynchronous communication* [see Helgeson, Col. 86, lines 35-52]. By this rationale **claim 3** is rejected.

15. Regarding **claim 4**, Ferguson-Helgeson and Reed further discloses *wherein the information exchange is initiated by the subscriber* [see Ferguson, Col. 24, lines 59-64]. By this rationale **claim 4** is rejected.

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16. Regarding **claim 5**, Ferguson-Helgeson and Reed further discloses *wherein the information exchange is initiated by the publisher* [see Ferguson, Col. 28, lines 53-56]. By this rationale **claim 5** is rejected.

17. Regarding **claim 6**, Ferguson-Helgeson and Reed further discloses *wherein the first service comprises a class of service that is different from the class of service of the second service* [see Helgeson, Col. 6, lines 30-67, Col. 7, lines 1-45]. By this rationale **claim 6** is rejected.

18. Regarding **claim 7**, Ferguson-Helgeson and Reed discloses *further comprising a filter operable to filter the change information based on the associated identity of each user* [see Helgeson, Col. 89, lines 65-67 and Col. 90, lines 1-15]. By this rationale **claim 7** is rejected.

19. Regarding **claim 8**, Ferguson-Helgeson and Reed further discloses *wherein the communications mechanism is further configured to communicate a response from the second service to the first service in response to the communicating of the change information from the first service to the second service* [see Helgeson, Col. 87, lines 65-67, Col. 88, lines 1-32]. By this rationale **claim 8** is rejected.

20. Regarding **claim 9**, Ferguson-Helgeson and Reed discloses *wherein the communications mechanism is further configured to resend the change information from the first service to the second service if the response is not received* [The Examiner takes Official Notice [see MPEP 2144.03] that it would have been obvious to one of ordinary skill in the networking art at the time the invention was made for the resending of information such change information that possible would have reached it's destination for some reason such as error in delivery]. By this rationale **claim 9** is rejected.

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21. Regarding **claims 10-23**, the limitations of these claims are substantially the same as that of claims 1-9, and thus are rejected for the same rationale in rejecting claims 1-9 above.

22. **Claim 24** list all the same elements of **claim 16**, but in computer-readable medium form rather than method form. Therefore, the supporting rationale of the rejection to **claim 16** applies equally as well to **claim 24**.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saulpaugh et al. (Saulpaugh), U.S. Patent No. 6,789,126 in view of Reed et al (Reed), U.S. Patent No. 6,088,717.

25. Regarding claim 1, Saulpaugh discloses the invention substantially as claimed. Saulpaugh discloses in a computer network [see Saulpaugh, Figure 2], a system comprising, a first service for providing access to data based on an associated identity of each user; a second service for providing access to data based on an associated identity of each user; a communication mechanism configured to exchange information between the first service and the second service, the first service configured as a publisher of change data made by users via the first service, and the second service configures as a subscriber of the change data, the communication operable to determine that the at least one user of the second service has a role

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that is a subscriber file of change data in relation to the at least one user of the first service and operable to communicate the change data of the first service to the second service using a service-to-service communication protocol [see Saulpaugh, Figure 6, Col. 36, lines 60-67, Col. 37, lines 1-2, Col. 15, lines 5-30, Col. 14, lines 53-67, Col. 35, lines 20-42]. However, Saulpaugh does not explicitly disclose the first service having at least one user maintaining data therein and the second service having at least one user maintaining data therein about the at least one first user.

26. In the same field of endeavor, Reed discloses (e.g., computer based communication system and method using metadata defining a control structure). Reed discloses the first service having at least one user maintaining data therein and the second service having at least one user maintaining data therein about the at least one first user [see Reed, Figure 1]:

27. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Reed's teachings of a computer based communication system and method using metadata defining a control structure with the teachings of Saulpaugh, for the purpose of providing a communications control system which allows providers and consumers to quickly and easily establish an automated communications relationship; which automatically updates both parties with changes in communications control data from the other; which works [see Reed, Col. 7, lines 59-67 and Col. 8, lines 1-4].

28. Regarding independent claims 10, 16, and 23 as well as the dependent claims, it is noted that Saulpaugh-Reed's teachings encompass claim limitations as discussed above.

Response to Arguments

29. Applicant's arguments filed on 13 May 2005 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention. Applicant's arguments include:

A. Applicant argues that that Helgeson does not teach nor event suggest a communication mechanism that is operable to determine that the at least one user of the second service has a role that is a subscriber role of change data in relation to the at least one user of the first service and operable to communicate the change data of the first service to the second service using a service-to-service communication protocol.

30. As to "Point A", it is the position of the Examiner that in combination Ferguson-Helgeson and Reed do teach a communication mechanism that is operable to determine that the at least one user of the second service has a role that is a subscriber role of change data in relation to the at least one user of the first service and operable to communicate the change data of the first service to the second service using a service-to-service communication protocol. Since Ferguson does provide for service-to-service communication protocol [see Ferguson, Col. 11]. Thus Reed discussion throughout the disclosure how services communicate between one another.

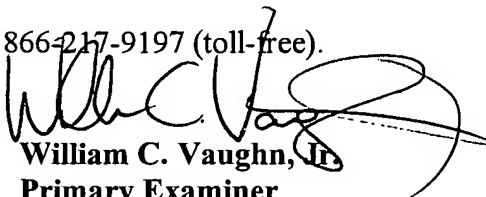
Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
18 July 2005

WCV